

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

CRAIG CUNNINGHAM

§

v.

§ Civil Action No. 4:19-CV-896

§ (Judge Mazzant/Judge Nowak)

MATRIX FINANCIAL SERVICES, LLC,
ET AL.

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**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On May 12, 2020, the report of the Magistrate Judge (Dkt. #60) was entered containing proposed findings of fact and recommendations that (1) Defendants' Motions to Set Aside Default (Dkts. #25; #28; #31) and Motions for Leave to File an Answer (Dkts. #26; #29; #32) be granted; (2) the Clerk's Entry of Default (Dkt. #18) be set aside; and (3) Defendants' Answers (Dkts. #27; #30; #33) be deemed properly filed before the Court. In addition, the Magistrate Judge found that Plaintiff's Motion for Default Judgment (Dkt. #34) should also necessarily be denied upon the setting aside of the default. On May 26, 2020, Plaintiff filed a further notice confirming withdrawal of his opposition to setting aside the default and waiver of any objections to the recommendations of the Magistrate Judge (Dkt. #69).

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed,¹ the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

¹ The Parties waived the objections period.

It is therefore **ORDERED** that Defendants' Motions to Set Aside Default (Dkts. #25; #28; #31) and Motions for Leave to File an Answer (Dkts. #26; #29; #32) are **GRANTED**; the Clerk's Entry of Default (Dkt. #18) is set aside; Defendants' Answers (Dkts. #27; #30; #33) are deemed properly filed before the Court; and Plaintiff's Motion for Default Judgment (Dkt. #34) is denied.

IT IS SO ORDERED.

SIGNED this 1st day of June, 2020.



AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE